



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 22, 2005, 8:00 p.m.**

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**MEETING**

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Dowling.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez, Quirk, Halliday, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: COUNCIL MEMBERS None

**PUBLIC COMMENTS**

Anthony Ochoa announced that the Lions Club is seeking nominations for the Citizen of the Year Award and noted the required qualifications.

**CONSENT**

1. Approval of the Minutes of the City Council Meeting of March 8, 2005.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried unanimously, to approve the minutes of the City Council Meeting of March 8, 2005.

2. Measure B and Gas Tax Pavement Rehabilitation 2004-05: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated March 22, 2005, was filed.

Staff responded to specific questions related to the proposed street segments and sidewalk improvements that were asked by Council Members Dowling and Halliday.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried unanimously, to adopt the following:

Resolution 05-019, "Resolution Approving Plans and Specifications for the Measure B and Gas Tax Pavement Rehabilitation 2004-05, Project Nos. 5172 and 5131, and Huntwood Bicycle Lane Improvements – Olympic to Folsom Avenue Project, Project No. 5174"

3. Transportation Development Act Article 3 Funds: Wheelchair Ramps - Authorization to File Application

***DRAFT***

Staff report submitted by Deputy Director of Public Works Bauman, dated March 22, 2005, was filed.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried unanimously, to adopt the following:

Resolution 05-020, "Resolution Authorizing the City Manager to Submit a Grant Application to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2005-06 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding"

4. Sidewalk Rehabilitation and Wheelchair Ramps - Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated March 22, 2005, was filed.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried unanimously, to adopt the following:

Resolution 05-021, "Resolution Approving Plans and Specifications for the Combined Sidewalk Rehabilitation Program and Wheelchair Ramps 2004-05 Projects, Project Nos. 5179 and 5132, and Call for Bids"

5. Amendment to Positions and Salaries Resolution and Related Budget Adjustment for the Police Department

Staff report submitted by Chief of Police Lowe, dated March 22, 2005, was filed.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried unanimously, to adopt the following:

Resolution 05-022, "Resolution Amending Resolution No. 04-118, the Position and Salaries Resolution, Relating to Position Changes in the Hayward Police Department"

Resolution 05-023, "Resolution Amending Resolution No. 04-101, as Amended, the Budget Resolution for Fiscal Year 2004-2005, Regarding Appropriation of Funds for the Police Captain Position"

6. Authorization to Execute Professional Services Agreement to Conduct Executive Recruitments



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Staff report submitted by Acting Director of Human Resources Macias, dated March 22, 2005, was filed.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried unanimously, to adopt the following:

Resolution 05-024, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Peckham & McKenney to Recruit a Human Resources Director, Library Director, and Public Works Director and Appropriate Funds"

## **LEGISLATIVE BUSINESS**

### **7. Stonebrae Country Club Grading Permit, Phase II**

Staff report submitted by Deputy Director of Public Works Bauman, dated March 22, 2005, was filed.

Deputy Director of Public Works Bauman presented the report, noting that this is the second phase of the grading for the Stonebrae project, formerly Blue Rock Country Club. He highlighted the significant changes to the land use map. He compared the changes in the golf course area that were completed to properly mitigate for the endangered Alameda whip snake. He also showed the comparison of the housing layout that contains ten percent less homes, but still requires the same grading. Pointing out the change in the club house location, he reported that the final map will be reviewed in April. He depicted the grading plan that provides a cut-and-fill process and indicated that blasting will need to take place as occurred last summer utilizing safeguards in accordance with fire regulations.

Council Member Jimenez emphasized how the current number of units was diminished from the original 1,900.

Council Member Halliday asked several questions regarding the grading and blasting that occurred last summer. She also inquired on the Carden property. In response, staff noted that there were a few complaints that were addressed. Considering the size of the area that was blasted, he thought the blasting project was successful. This year there will be three times as much blasting and equipment required to complete the blasting portion of the project. In regards to the Carden property, staff reported that it might be vacant, but staff continues to notify property owners.

Mayor Cooper opened the public hearing at 8:20 p.m.

Steve Murtaugh submitted a statement and illustrated his concerns related to the grading project and how it would impact the Ward Creek Watershed, storm water runoff and erosion into the creek bed.

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He stated that he was officially notifying the City and brought to awareness his concerns on the impacts of the blasting. He depicted the potential runoffs from Village A of the proposed development and the potential land slides.

Curtis Priem, representing Resources Legacy Fund, stated that he manages the land directly to the east of the Hayward 1900 development. He stated that this development will impact the adjacent owners and strongly disagreed with the location of the water tanks. He also spoke against the location of the maintenance shed that will be on the top of the hill. He felt that both the water tank and the shed would be too close to the adjacent properties and a visual impact. He stated that overall the project is an improvement over the original project.

Mayor Cooper closed the public hearing at 8:29 p.m.

Council Member Jimenez moved, seconded by Council Member Henson, the staff recommendation to issue the grading permit.

Council Member Quirk asked Deputy Director of Public Works Bauman to respond to the public comments made by Mr. Murtaugh.

Deputy Director of Public Works Bauman reported that due to past studies related to this type of topography, new developments are not allowed to have additional flow than what is natural. As a result of separate studies to prevent erosion, a series of retention basins are designed to hold water and release it gradually, so that the portion that flows underneath towards Ward Creek and other drainage points will not be greater than what is naturally flowing.

Council Member Henson asked staff to respond to the placement of the water tank. Director of Public Works Butler stated that the location provides sufficient elevation to provide the required water pressure for the development and is within the boundaries of this project. City Manager Armas pointed out that there will actually be two water tanks at this development, one new and the current one re-located.

Council Member Halliday asked about the storage facility location as discussed by Mr. Priem. Staff responded that it was moved after community input and will be situated below the level of the water tank to accommodate the golf course.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 04-025, "Resolution Authorizing the City Engineer to Issue a Grading Permit for Phase II Grading Related to Tract 5354, Stonebrae Country Club"



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**COUNCIL REPORTS**

There were two Council reports. Council Member Dowling spoke on his attendance at the National League of Cities (NLC). The main focus was to protest the proposed cuts on the Community Block Grant funding. He brought back copies of materials, including a letter from Senator Feinstein. He indicated that there are 55 Senators against the cuts including a number of Republicans. He also met with Congressman Stark who is also opposed to the cuts and noted the impacts to the Hayward Amtrak station. Lastly, he participated in a new subgroup session that deals with "first tier suburbs" that, like Hayward, have unique challenges and noted that Hayward is in better shape than similar type cities in other states. He listened to experts from the Urban League that highlighted the issues and urged first tier suburbs to focus on location, attraction, housing, urban environments, diversity, and the preservation of historical buildings.

Council Member Henson also provided a report on his participation at the NLC Conference and his participation on the Public Safety Committee. He noted that NLC President Williams, Mayor of Washington D.C., presented a plan to implement a virtual town hall TV network to address issues with more relevance and timeliness. He noted that last Tuesday he was lobbying Senators McCain and Stevens related to the Save Lives bill formerly the Hero Act that would mandate that broadcasting networks vacate the Spectrum band for public safety communication use only. He stressed the importance of urging awareness on this issue. He also participated with the NLC Black Caucus membership who addressed the President regarding the 2007 expiration date of the Voting Rights Act and noted its importance.

**ADJOURNMENT**

Mayor Cooper adjourned the meeting at 8:42 p.m.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward